

## ARTICLE 27-300. ZONING DISTRICTS AND OFFICIAL MAP

### SEC. 27-310. SUPPLEMENTAL AREA, YARD AND HEIGHT RESTRICTIONS.

The following requirements provide exceptions or qualify and supplement the specific district regulations set forth in this part. Planned developments shall be governed by BMCC Section 27-1301, et seq.

- (a) **Access for Buildings.** All buildings and structures shall have vehicular access to a minimum width public street or an approved private street. Where the provision of the zoning code on this matter is more restrictive than the building code, then the zoning code restrictions shall be applied. A street shall provide the primary means of pedestrian access for any dwelling unit. Alleys, where they exist, shall provide only a secondary means of access.
- (b) **Building Groups.** In any residential or agricultural district, more than one (1) principal structure housing a permitted use may be located on a single lot or combination of lots provided that:
  - (1) Area requirements are met for each structure as though it were on an individual lot;
  - (2) A minimum of ten (10) feet is maintained between principal structures;
  - (3) Side yard setbacks are provided between adjacent properties as required in the district;
  - (4) Principal structures are setback from alleys a minimum of twenty (20) feet; and
  - (5) Front yard setbacks as required in the district are provided on side streets when a side street frontage exceeds one hundred and fifty (150) feet.
- (c) **Division of Lots.** No recorded lot or combination of lots shall be divided into smaller lots unless such division results in the creation of lots which conform to all of the applicable regulations of the zoning district in which the property is located.
- (d) **Lot Sizes.** Yards or lots created after the effective date of this resolution/ordinance shall conform to all of the applicable requirements of the zoning district in which the property is located. In such case as no public water and/or sewer services are available, lot sizes shall also meet the minimum requirements of the Montana Department of Environmental Quality.
- (e) **Dwellings in Commercial/Industrial Zones.**
  - (1) In the Residential Professional, Neighborhood Commercial, Community Commercial, Highway Commercial, South 27th Street Corridor and Controlled Industrial zones: Lot area, yard, and lot coverage requirements for dwelling units shall be the same as those in the RMF-R district.

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- (2) In the Central Business District zone: Lot area, yard, height, and lot coverage requirements for dwelling units shall not be applicable.
- (f) **Height Exceptions.** The following requirements supplement those specific district regulations set forth in BMCC Sections 27-308 and 27-309:
  - (1) The height limitations shall not apply to spires, belfries, cupolas, antennas, water towers or tanks, chimneys or smokestacks, power transmission lines, cooling or elevator towers or similar and necessary appurtenances not used for human occupancy.
  - (2) Churches, schools, hospitals, nursing or retirement homes, or public buildings may exceed the height limitations of the district if the minimum depth of the front, side and rear yard setbacks are increased two (2) feet for every one (1) foot by which the structure exceeds the height limitation of the district. This allowed height shall not exceed two (2) times the allowed height in the zoning district in which it is located, without approval through the Variance procedure, as described in BMCC Sections 27-1506 (City) and 27-1511 (County).
  - (3) The maximum building height may be increased by up to 10% in all zoning districts when the majority of the roof pitch is 7:12 or steeper.
- (g) **Permitted Projections.**
  - (1) Residential Districts: The following projections shall be permitted in required setbacks in residential districts:
    - a. Fireplaces and bay windows not to exceed two (2) feet;
    - b. Roof overhangs, eaves, gutters, cornices or other architectural features not to exceed two (2) feet;
    - c. Open exterior stairways or decks not to exceed two (2) feet in side yards, four (4) feet in front yards, nor eight (8) feet in the rear yards;
    - d. Covered unenclosed porches over front stoops or walkways not to exceed four (4) feet;
    - e. The above projections are not permitted if they protrude into or hang over public right-of-way.
  - (2) Commercial and Industrial Districts: The following projections shall be permitted in required setbacks in commercial and industrial districts:
    - a. Roof overhangs, eaves, gutters, cornices or other architectural features not to exceed two (2) feet;
    - b. Canopies not to exceed four (4) feet. For the purposes of this subsection, "canopies" are defined as covers that are solely attached to and supported by the structure on which it is attached to and which can be removed without destroying any part of that supporting structure.
  - (3) Ramps that provide accessibility.

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- (4) Exception. The above projections are not permitted if they protrude into or hang over public right-of-way.
- (h) **Required Yards.** No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this resolution/ordinance shall be included as part of a yard, open space for any other building.
- (i) **Yards and Setbacks for Accessory Buildings in Residential Zones.** The following setbacks shall be provided for accessory buildings in Residential zones:
  - (1) Detached garages, carports, patios, tool or storage sheds, playhouses, greenhouses or other accessory buildings shall meet the setbacks required in below Table 1.

TABLE 1 Setbacks from property lines for detached garages, carports, tool or storage sheds, greenhouses or other detached accessory structures					
	Front (b)	Side Adjacent to Street (b)	Side	Rear with Alley (c)	Rear Without Alley
<b>BUILDINGS LESS THAN 18 FEET (a) (d) (e) (f)</b>					
Approach from a street	20	20	3	0	3
Approach at right angle from an alley	20	10	3	6	N/A
All others	20	10	3	0	3
<b>BUILDINGS GREATER THAN 18 FEET IN HEIGHT UP TO AND INCLUDING THE MAXIMUM ALLOWED HEIGHT (a) (d) (e)</b>					
Approach from a street	20	20	8	6	8
Approach at right angle from an alley	20	10	8	6	N/A
All others.	20	10	8	6	8

- (a) All setbacks are denoted in feet from the property line.
- (b) In districts with Front or Side Adjacent to Street setbacks greater than those required in above Table 1, the structure shall meet the most restrictive setback requirement.

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- (c) No above building or structure nor any part thereof shall protrude into or hang over the public right-of-way.
- (d) Structures located adjacent to arterial streets must meet the Arterial Setbacks as outlined in BMCC Section 27-602.
- (e) Detached accessory buildings used to house, keep or shelter livestock or fowl shall meet the setbacks described in BMCC Section 27-607.
- (f) The side wall of detached accessory buildings in the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits shall be no greater in height than the side walls, excluding a gable wall, of an existing or proposed principal structure on the property.

N/A = Not Applicable

- (2) Garages, carports and other accessory buildings attached to a dwelling shall be considered to be part of the dwelling and setbacks shall be the same as those required for such dwelling. In addition, garages and carports attached to the dwelling that have their approach from a street shall be setback from that street property line a minimum of twenty (20) feet or meet the front setback in the zoning district in which it is located, whichever is greater.
- (3) Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000, and Residential Manufactured Home zoning districts within the Billings city limits the maximum size allowed for detached accessory structures shall be based on the following criteria, based on the size of the lot:
  - Lots containing less than .25 acres = 1,000 square feet maximum size.
  - Lots containing .25 acres up to 1 acre shall use the following formula:  
 $(667 \times \text{lot acreage}) + 833 = \text{maximum detached structure size}$
  - Lots containing more than 1 acre = 1,500 square foot maximum size.

This provision shall not apply in the Agricultural-Open or Agricultural-Suburban zoning districts.

- (4) Except in the R-9600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits the maximum total square footage in detached accessory structures on any lot shall not exceed three thousand (3,000) square feet or that amount which, when added to the square footage of the principal structure(s), will achieve the maximum lot coverage allowable in that district, whichever is less. This three thousand (3,000) square foot limit shall not apply in the Agricultural-Open zoning district.
- (5) See BMCC Section 27-607, for setbacks regarding detached structures used to house livestock or fowl.

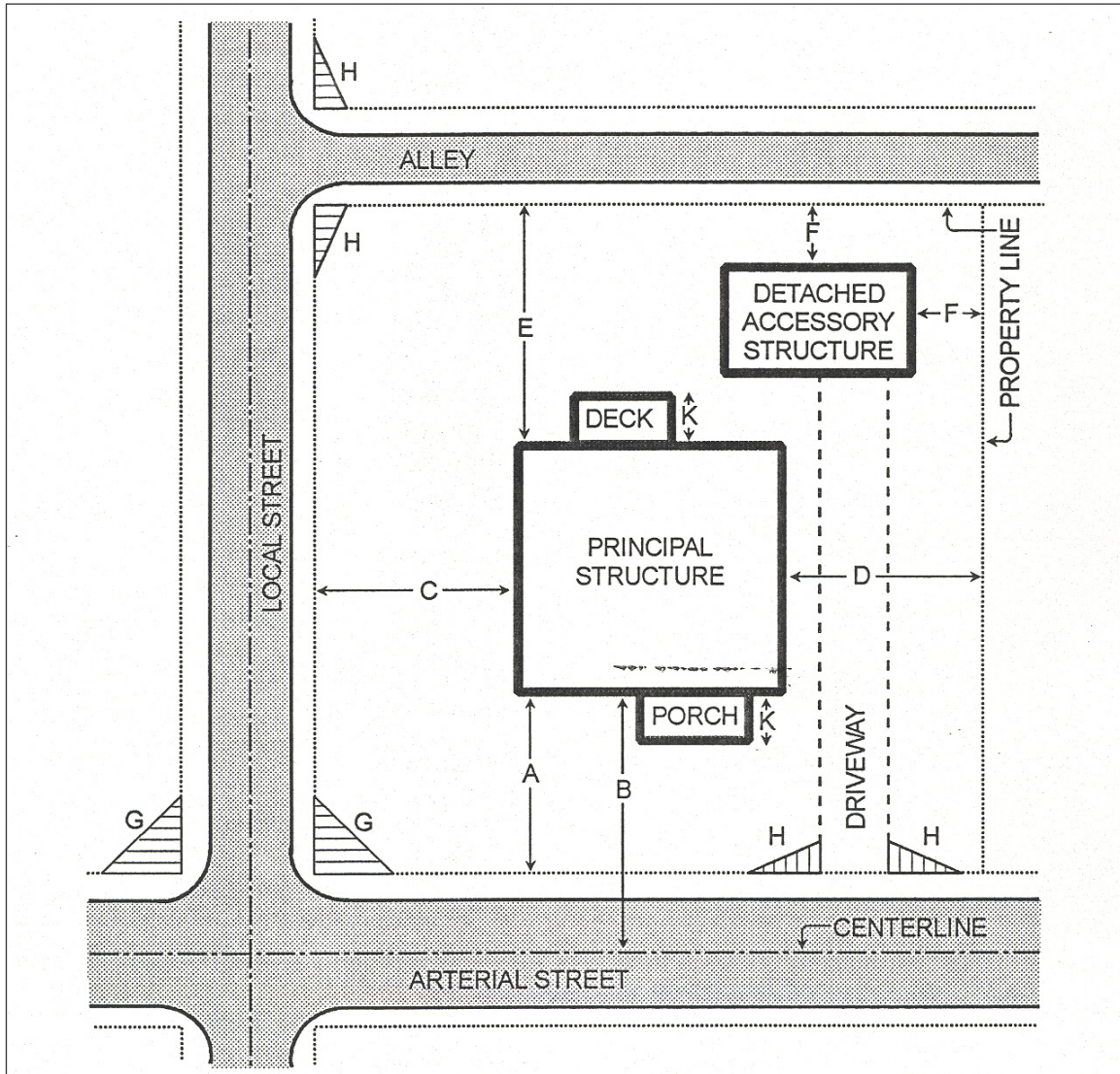
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- (6) For watercourse setbacks, see BMCC Section 27-616.
- (7) No above allowed building or structure nor any part thereof shall protrude into or hang over any public right-of-way.
- (8) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits detached accessory structure(s) greater than 200 square feet in size shall not exceed the principal building first story square footage on the lot or 1,000 square feet, whichever is less. If the lot is greater than .25 acres maximum total square footage of a detached accessory structure shall be as calculated in Section 3 above or equal to the principal building first story square footage, whichever is less. No detached accessory structure within these residential zoning districts in the Billings city limits shall exceed 1,500 square feet. The maximum total square footage in detached accessory structures on any lot within these residential zoning districts in the Billings city limits shall not exceed 2,000 square feet or the total principal building first story square footage on the lot, whichever is less.
- (9) In the R-9,600, R-8,000, R-7,000, R-7,000R, R-6,000, R-6,000R, R-5,000 and Residential Manufactured Home zoning districts within the Billings city limits, horizontal exterior siding is required on detached accessory structures greater than 200 square feet in size.

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Sec. 27-311. Illustrations

FIGURE 1: YARD REQUIREMENTS: RESIDENTIAL

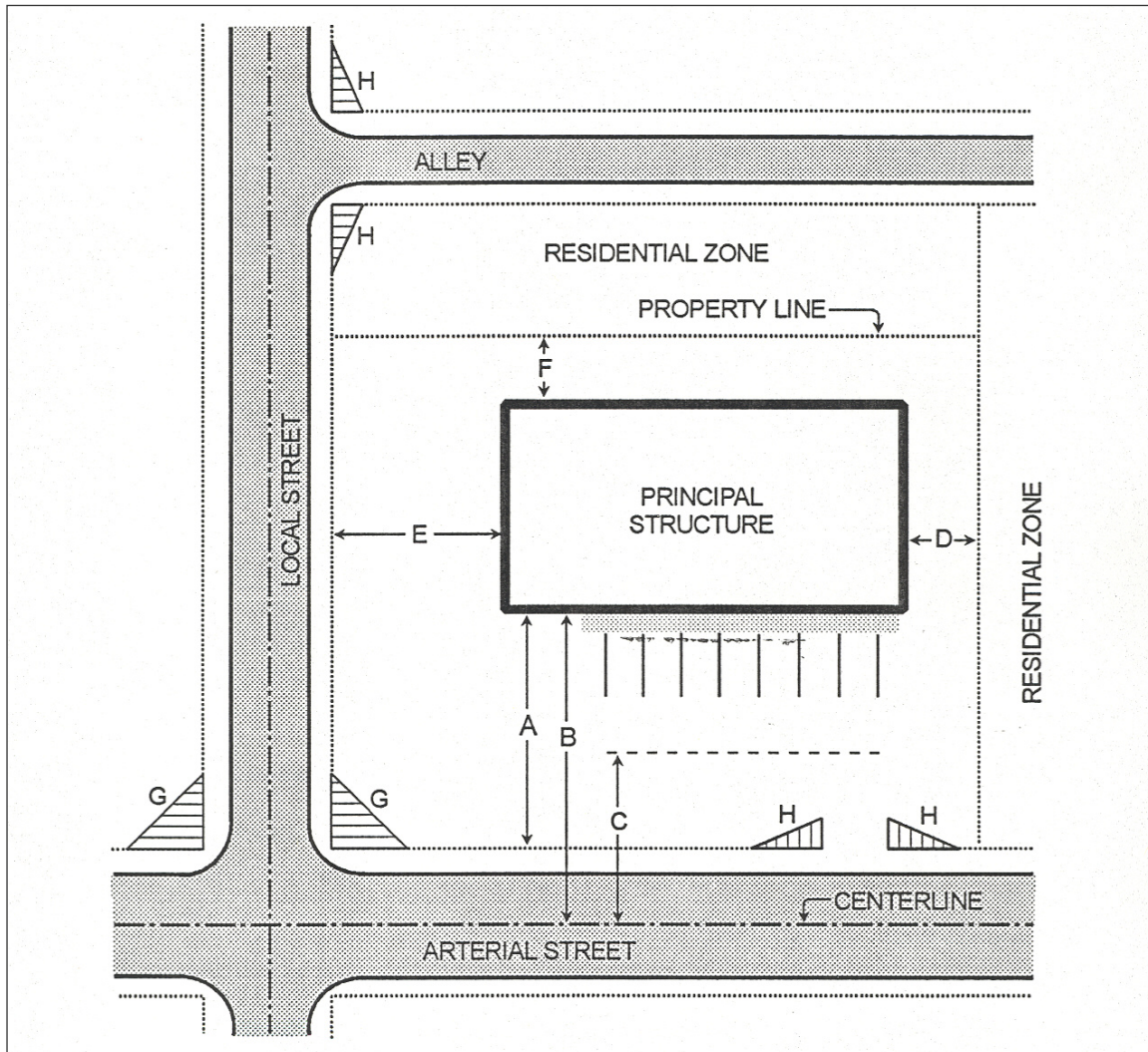


- A. FRONT Setback
- B. ARTERIAL Setback
- C. SIDE ADJACENT TO STREET Setback
- D. SIDE Setback
- E. REAR Setback
- F. DETACHED ACCESSORY STRUCTURE Setback
- G. CLEAR VISION TRIANGLE at Street Intersections
- H. CLEAR VISION TRIANGLE at Alley and Drive Entrances
- I. PERMITTED PROJECTIONS



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FIGURE 2: YARD REQUIREMENTS: COMMERCIAL AND INDUSTRIAL



- A. FRONT Setback
- B. ARTERIAL Setback: Structures
- C. ARTERIAL Setback: Required Parking and Driving Isle
- D. SIDE Setback
- \*\* SIDE Minimum setbacks are fifteen (15) feet when contiguous to residential zones
- E. SIDE ADJACENT TO STREET Setback
- F. REAR Setback
- G. CLEAR VISION TRIANGLE at Street Intersections
- H. CLEAR VISION TRIANGLE at Alley and Drive Entrances